

FIRST REGULAR SESSION

SENATE BILL NO. 389

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR McKENNA.

Read 1st time March 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1591S.011

AN ACT

To repeal sections 571.030, 571.101, and 571.107, RSMo, and to enact in lieu thereof four new sections relating to concealed carry endorsements for residents of Missouri, with existing penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 571.030, 571.101, and 571.107, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 571.030,
3 571.099, 571.101, and 571.107, to read as follows:

571.030. 1. A person commits the crime of unlawful use of weapons if he
2 or she knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm,
4 a blackjack or any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train,
7 boat, aircraft, or motor vehicle as defined in section 302.010, or any building or
8 structure used for the assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily
10 capable of lethal use in an angry or threatening manner; or

11 (5) Has a firearm or projectile weapon readily capable of lethal use on his
12 or her person, while he or she is intoxicated, and handles or otherwise uses such
13 firearm or projectile weapon in either a negligent or unlawful manner or
14 discharges such firearm or projectile weapon unless acting in self-defense;

15 (6) Discharges a firearm within one hundred yards of any occupied
16 schoolhouse, courthouse, or church building; or

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 on, along or across a public highway or discharges or shoots a firearm into any
19 outbuilding; or

20 (8) Carries a firearm or any other weapon readily capable of lethal use
21 into any church or place where people have assembled for worship, or into any
22 election precinct on any election day, or into any building owned or occupied by
23 any agency of the federal government, state government, or political subdivision
24 thereof; or

25 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined
26 in section 301.010, discharges or shoots a firearm at any person, or at any other
27 motor vehicle, or at any building or habitable structure, unless the person was
28 lawfully acting in self-defense; or

29 (10) Carries a firearm, whether loaded or unloaded, or any other weapon
30 readily capable of lethal use into any school, onto any school bus, or onto the
31 premises of any function or activity sponsored or sanctioned by school officials or
32 the district school board.

33 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this
34 section shall not apply to or affect any of the following when such uses are
35 reasonably associated with or are necessary to the fulfillment of such person's
36 official duties:

37 (1) All state, county and municipal peace officers who have completed the
38 training required by the police officer standards and training commission
39 pursuant to sections 590.030 to 590.050 and who possess the duty and power of
40 arrest for violation of the general criminal laws of the state or for violation of
41 ordinances of counties or municipalities of the state, whether such officers are on
42 or off duty, and whether such officers are within or outside of the law
43 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined
44 in subsection 10 of this section, and who carry the identification defined in
45 subsection 11 of this section, or any person summoned by such officers to assist
46 in making arrests or preserving the peace while actually engaged in assisting
47 such officer;

48 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails
49 and other institutions for the detention of persons accused or convicted of crime;

50 (3) Members of the armed forces or national guard while performing their
51 official duty;

52 (4) Those persons vested by article V, section 1 of the Constitution of
53 Missouri with the judicial power of the state and those persons vested by Article

54 III of the Constitution of the United States with the judicial power of the United
55 States, the members of the federal judiciary;

56 (5) Any person whose bona fide duty is to execute process, civil or
57 criminal;

58 (6) Any federal probation officer or federal flight deck officer as defined
59 under the federal flight deck officer program, 49 U.S.C. Section 44921;

60 (7) Any state probation or parole officer, including supervisors and
61 members of the board of probation and parole;

62 (8) Any corporate security advisor meeting the definition and fulfilling the
63 requirements of the regulations established by the board of police commissioners
64 under section 84.340;

65 (9) Any coroner, deputy coroner, medical examiner, or assistant medical
66 examiner; and

67 (10) Any prosecuting attorney or assistant prosecuting attorney or any
68 circuit attorney or assistant circuit attorney who has completed the firearms
69 safety training course required under subsection 2 of section 571.111.

70 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not
71 apply when the actor is transporting such weapons in a nonfunctioning state or
72 in an unloaded state when ammunition is not readily accessible or when such
73 weapons are not readily accessible. Subdivision (1) of subsection 1 of this section
74 does not apply to any person twenty-one years of age or older transporting a
75 concealable firearm in the passenger compartment of a motor vehicle, so long as
76 such concealable firearm is otherwise lawfully possessed, nor when the actor is
77 also in possession of an exposed firearm or projectile weapon for the lawful
78 pursuit of game, or is in his or her dwelling unit or upon premises over which the
79 actor has possession, authority or control, or is traveling in a continuous journey
80 peaceably through this state. Subdivision (10) of subsection 1 of this section does
81 not apply if the firearm is otherwise lawfully possessed by a person while
82 traversing school premises for the purposes of transporting a student to or from
83 school, or possessed by an adult for the purposes of facilitation of a
84 school-sanctioned firearm-related event.

85 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not
86 apply to any person who has a valid concealed carry endorsement issued pursuant
87 to sections 571.101 to 571.121, **a valid out-of-state concealed carry**
88 **endorsement issued pursuant to section 571.099**, or a valid permit or
89 endorsement to carry concealed firearms issued by another state, or political

90 subdivision of another state, **to a resident of another state.**

91 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this
92 section shall not apply to persons who are engaged in a lawful act of defense
93 pursuant to section 563.031.

94 6. Nothing in this section shall make it unlawful for a student to actually
95 participate in school-sanctioned gun safety courses, student military or ROTC
96 courses, or other school-sponsored firearm-related events, provided the student
97 does not carry a firearm or other weapon readily capable of lethal use into any
98 school, onto any school bus, or onto the premises of any other function or activity
99 sponsored or sanctioned by school officials or the district school board.

100 7. Unlawful use of weapons is a class D felony unless committed pursuant
101 to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a
102 class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in
103 which case it is a class A misdemeanor if the firearm is unloaded and a class D
104 felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section,
105 in which case it is a class B felony, except that if the violation of subdivision (9)
106 of subsection 1 of this section results in injury or death to another person, it is
107 a class A felony.

108 8. Violations of subdivision (9) of subsection 1 of this section shall be
109 punished as follows:

110 (1) For the first violation a person shall be sentenced to the maximum
111 authorized term of imprisonment for a class B felony;

112 (2) For any violation by a prior offender as defined in section 558.016, a
113 person shall be sentenced to the maximum authorized term of imprisonment for
114 a class B felony without the possibility of parole, probation or conditional release
115 for a term of ten years;

116 (3) For any violation by a persistent offender as defined in section
117 558.016, a person shall be sentenced to the maximum authorized term of
118 imprisonment for a class B felony without the possibility of parole, probation, or
119 conditional release;

120 (4) For any violation which results in injury or death to another person,
121 a person shall be sentenced to an authorized disposition for a class A felony.

122 9. Any person knowingly aiding or abetting any other person in the
123 violation of subdivision (9) of subsection 1 of this section shall be subject to the
124 same penalty as that prescribed by this section for violations by other persons.

125 10. As used in this section "qualified retired peace officer" means an

126 individual who:

127 (1) Retired in good standing from service with a public agency as a peace
128 officer, other than for reasons of mental instability;

129 (2) Before such retirement, was authorized by law to engage in or
130 supervise the prevention, detection, investigation, or prosecution of, or the
131 incarceration of any person for, any violation of law, and had statutory powers of
132 arrest;

133 (3) Before such retirement, was regularly employed as a peace officer for
134 an aggregate of fifteen years or more, or retired from service with such agency,
135 after completing any applicable probationary period of such service, due to a
136 service-connected disability, as determined by such agency;

137 (4) Has a nonforfeitable right to benefits under the retirement plan of the
138 agency if such a plan is available;

139 (5) During the most recent twelve-month period, has met, at the expense
140 of the individual, the standards for training and qualification for active peace
141 officers to carry firearms;

142 (6) Is not under the influence of alcohol or another intoxicating or
143 hallucinatory drug or substance; and

144 (7) Is not prohibited by federal law from receiving a firearm.

145 11. The identification required by subdivision (1) of subsection 2 of this
146 section is:

147 (1) A photographic identification issued by the agency from which the
148 individual retired from service as a peace officer that indicates that the individual
149 has, not less recently than one year before the date the individual is carrying the
150 concealed firearm, been tested or otherwise found by the agency to meet the
151 standards established by the agency for training and qualification for active peace
152 officers to carry a firearm of the same type as the concealed firearm; or

153 (2) A photographic identification issued by the agency from which the
154 individual retired from service as a peace officer; and

155 (3) A certification issued by the state in which the individual resides that
156 indicates that the individual has, not less recently than one year before the date
157 the individual is carrying the concealed firearm, been tested or otherwise found
158 by the state to meet the standards established by the state for training and
159 qualification for active peace officers to carry a firearm of the same type as the
160 concealed firearm.

571.099. Any Missouri resident who has a valid concealed carry

2 endorsement or permit issued in his or her name by another state or
3 political subdivision of another state, and does not have a valid
4 concealed carry endorsement on a Missouri driver's license or
5 nondriver's license, shall apply for a driver's license or nondriver's
6 license with the director of revenue in order to obtain an out-of-state
7 concealed carry endorsement. Any person who has been issued an out-
8 of-state concealed carry endorsement on a driver's license or
9 nondriver's license and such endorsement or license has not been
10 suspended, revoked, canceled, or denied may carry concealed firearms
11 on or about his or her person or within a vehicle. Upon completion of
12 a driver's license or nondriver's license application pursuant to chapter
13 302 and verification of a valid concealed carry endorsement or permit
14 issued by another state or one of its political subdivisions, the director
15 of revenue shall issue a new driver's license or nondriver's license with
16 an endorsement identifying that the applicant has an out-of-state
17 permit or endorsement. An out-of-state concealed carry endorsement
18 shall expire on the same date as the person's concealed carry
19 endorsement or permit issued by the other state or one of its political
20 subdivisions. The director of revenue shall not issue an endorsement
21 on a renewed driver's license or renewed nondriver's license unless the
22 applicant for such license has a valid concealed carry endorsement or
23 permit issued in his or her name by another state or one of its political
24 subdivisions.

571.101. 1. All applicants for concealed carry endorsements issued
2 pursuant to subsection 7 of this section must satisfy the requirements of sections
3 571.101 to 571.121. If the said applicant can show qualification as provided by
4 sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of
5 qualification for a concealed carry endorsement. Upon receipt of such certificate,
6 the certificate holder shall apply for a driver's license or nondriver's license with
7 the director of revenue in order to obtain a concealed carry endorsement. Any
8 person who has been issued a concealed carry endorsement on a driver's license
9 or nondriver's license and such endorsement or license has not been suspended,
10 revoked, canceled, or denied may carry concealed firearms on or about his or her
11 person or within a vehicle. A concealed carry endorsement shall be valid for a
12 period of three years from the date of issuance or renewal. The concealed carry
13 endorsement is valid throughout this state.

14 2. A certificate of qualification for a concealed carry endorsement issued
15 pursuant to subsection 7 of this section shall be issued by the sheriff or his or her
16 designee of the county or city in which the applicant resides, if the applicant:

17 (1) Is at least [twenty-three] **twenty-one** years of age, is a citizen of the
18 United States and either:

19 (a) Has assumed residency in this state; or

20 (b) Is a member of the armed forces stationed in Missouri, or the spouse
21 of such member of the military;

22 (2) Has not pled guilty to or entered a plea of nolo contendere or been
23 convicted of a crime punishable by imprisonment for a term exceeding one year
24 under the laws of any state or of the United States other than a crime classified
25 as a misdemeanor under the laws of any state and punishable by a term of
26 imprisonment of one year or less that does not involve an explosive weapon,
27 firearm, firearm silencer or gas gun;

28 (3) Has not been convicted of, pled guilty to or entered a plea of nolo
29 contendere to one or more misdemeanor offenses involving crimes of violence
30 within a five-year period immediately preceding application for a certificate of
31 qualification for a concealed carry endorsement or if the applicant has not been
32 convicted of two or more misdemeanor offenses involving driving while under the
33 influence of intoxicating liquor or drugs or the possession or abuse of a controlled
34 substance within a five-year period immediately preceding application for a
35 certificate of qualification for a concealed carry endorsement;

36 (4) Is not a fugitive from justice or currently charged in an information
37 or indictment with the commission of a crime punishable by imprisonment for a
38 term exceeding one year under the laws of any state of the United States other
39 than a crime classified as a misdemeanor under the laws of any state and
40 punishable by a term of imprisonment of two years or less that does not involve
41 an explosive weapon, firearm, firearm silencer, or gas gun;

42 (5) Has not been discharged under dishonorable conditions from the
43 United States armed forces;

44 (6) Has not engaged in a pattern of behavior, documented in public
45 records, that causes the sheriff to have a reasonable belief that the applicant
46 presents a danger to himself or others;

47 (7) Is not adjudged mentally incompetent at the time of application or for
48 five years prior to application, or has not been committed to a mental health
49 facility, as defined in section 632.005, or a similar institution located in another

50 state following a hearing at which the defendant was represented by counsel or
51 a representative;

52 (8) Submits a completed application for a certificate of qualification as
53 defined in subsection 3 of this section;

54 (9) Submits an affidavit attesting that the applicant complies with the
55 concealed carry safety training requirement pursuant to subsections 1 and 2 of
56 section 571.111;

57 (10) Is not the respondent of a valid full order of protection which is still
58 in effect.

59 3. The application for a certificate of qualification for a concealed carry
60 endorsement issued by the sheriff of the county of the applicant's residence shall
61 contain only the following information:

62 (1) The applicant's name, address, telephone number, gender, and date
63 and place of birth;

64 (2) An affirmation that the applicant has assumed residency in Missouri
65 or is a member of the armed forces stationed in Missouri or the spouse of such a
66 member of the armed forces and is a citizen of the United States;

67 (3) An affirmation that the applicant is at least [twenty-three] **twenty-**
68 **one** years of age;

69 (4) An affirmation that the applicant has not pled guilty to or been
70 convicted of a crime punishable by imprisonment for a term exceeding one year
71 under the laws of any state or of the United States other than a crime classified
72 as a misdemeanor under the laws of any state and punishable by a term of
73 imprisonment of one year or less that does not involve an explosive weapon,
74 firearm, firearm silencer, or gas gun;

75 (5) An affirmation that the applicant has not been convicted of, pled guilty
76 to, or entered a plea of nolo contendere to one or more misdemeanor offenses
77 involving crimes of violence within a five-year period immediately preceding
78 application for a certificate of qualification to obtain a concealed carry
79 endorsement or if the applicant has not been convicted of two or more
80 misdemeanor offenses involving driving while under the influence of intoxicating
81 liquor or drugs or the possession or abuse of a controlled substance within a
82 five-year period immediately preceding application for a certificate of qualification
83 to obtain a concealed carry endorsement;

84 (6) An affirmation that the applicant is not a fugitive from justice or
85 currently charged in an information or indictment with the commission of a crime

86 punishable by imprisonment for a term exceeding one year under the laws of any
87 state or of the United States other than a crime classified as a misdemeanor
88 under the laws of any state and punishable by a term of imprisonment of two
89 years or less that does not involve an explosive weapon, firearm, firearm silencer
90 or gas gun;

91 (7) An affirmation that the applicant has not been discharged under
92 dishonorable conditions from the United States armed forces;

93 (8) An affirmation that the applicant is not adjudged mentally
94 incompetent at the time of application or for five years prior to application, or has
95 not been committed to a mental health facility, as defined in section 632.005, or
96 a similar institution located in another state, except that a person whose release
97 or discharge from a facility in this state pursuant to chapter 632, or a similar
98 discharge from a facility in another state, occurred more than five years ago
99 without subsequent recommitment may apply;

100 (9) An affirmation that the applicant has received firearms safety training
101 that meets the standards of applicant firearms safety training defined in
102 subsection 1 or 2 of section 571.111;

103 (10) An affirmation that the applicant, to the applicant's best knowledge
104 and belief, is not the respondent of a valid full order of protection which is still
105 in effect; and

106 (11) A conspicuous warning that false statements made by the applicant
107 will result in prosecution for perjury pursuant to the laws of the state of
108 Missouri.

109 4. An application for a certificate of qualification for a concealed carry
110 endorsement shall be made to the sheriff of the county or any city not within a
111 county in which the applicant resides. An application shall be filed in writing,
112 signed under oath and under the penalties of perjury, and shall state whether the
113 applicant complies with each of the requirements specified in subsection 2 of this
114 section. In addition to the completed application, the applicant for a certificate
115 of qualification for a concealed carry endorsement must also submit the following:

116 (1) A photocopy of a firearms safety training certificate of completion or
117 other evidence of completion of a firearms safety training course that meets the
118 standards established in subsection 1 or 2 of section 571.111; and

119 (2) A nonrefundable certificate of qualification fee as provided by
120 subsection 10 or 11 of this section.

121 5. Before an application for a certificate of qualification for a concealed

122 carry endorsement is approved, the sheriff shall make only such inquiries as he
123 or she deems necessary into the accuracy of the statements made in the
124 application. The sheriff may require that the applicant display a Missouri
125 driver's license or nondriver's license or military identification and orders
126 showing the person being stationed in Missouri. In order to determine the
127 applicant's suitability for a certificate of qualification for a concealed carry
128 endorsement, the applicant shall be fingerprinted. The sheriff shall request a
129 criminal background check through the appropriate law enforcement agency
130 within three working days after submission of the properly completed application
131 for a certificate of qualification for a concealed carry endorsement. If no
132 disqualifying record is identified by the fingerprint check at the state level, the
133 fingerprints shall be forwarded to the Federal Bureau of Investigation for a
134 national criminal history record check. Upon receipt of the completed background
135 check, the sheriff shall issue a certificate of qualification for a concealed carry
136 endorsement within three working days. The sheriff shall issue the certificate
137 within forty-five calendar days if the criminal background check has not been
138 received, provided that the sheriff shall revoke any such certificate and
139 endorsement within twenty-four hours of receipt of any background check that
140 results in a disqualifying record, and shall notify the department of revenue.

141 6. The sheriff may refuse to approve an application for a certificate of
142 qualification for a concealed carry endorsement if he or she determines that any
143 of the requirements specified in subsection 2 of this section have not been met,
144 or if he or she has a substantial and demonstrable reason to believe that the
145 applicant has rendered a false statement regarding any of the provisions of
146 sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff
147 is required to deny the application, and notify the applicant in writing, stating
148 the grounds for denial and informing the applicant of the right to submit, within
149 thirty days, any additional documentation relating to the grounds of the
150 denial. Upon receiving any additional documentation, the sheriff shall reconsider
151 his or her decision and inform the applicant within thirty days of the result of the
152 reconsideration. The applicant shall further be informed in writing of the right
153 to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.
154 After two additional reviews and denials by the sheriff, the person submitting the
155 application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of
156 section 571.114.

157 7. If the application is approved, the sheriff shall issue a certificate of

158 qualification for a concealed carry endorsement to the applicant within a period
159 not to exceed three working days after his or her approval of the application. The
160 applicant shall sign the certificate of qualification in the presence of the sheriff
161 or his or her designee and shall within seven days of receipt of the certificate of
162 qualification take the certificate of qualification to the department of
163 revenue. Upon verification of the certificate of qualification and completion of a
164 driver's license or nondriver's license application pursuant to chapter 302, the
165 director of revenue shall issue a new driver's license or nondriver's license with
166 an endorsement which identifies that the applicant has received a certificate of
167 qualification to carry concealed weapons issued pursuant to sections 571.101 to
168 571.121 if the applicant is otherwise qualified to receive such driver's license or
169 nondriver's license. The requirements for the director of revenue to issue a
170 concealed carry endorsement pursuant to this subsection shall not be effective
171 until July 1, 2004, and the certificate of qualification issued by a county sheriff
172 pursuant to subsection 1 of this section shall allow the person issued such
173 certificate to carry a concealed weapon pursuant to the requirements of
174 subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued
175 by the director of revenue from October 11, 2003, until the concealed carry
176 endorsement is issued by the director of revenue on or after July 1, 2004, unless
177 such certificate of qualification has been suspended or revoked for cause.

178 8. The sheriff shall keep a record of all applications for a certificate of
179 qualification for a concealed carry endorsement and his or her action
180 thereon. The sheriff shall report the issuance of a certificate of qualification to
181 the Missouri uniform law enforcement system. All information on any such
182 certificate that is protected information on any driver's or nondriver's license
183 shall have the same personal protection for purposes of sections 571.101 to
184 571.121. An applicant's status as a holder of a certificate of qualification or a
185 concealed carry endorsement shall not be public information and shall be
186 considered personal protected information. Any person who violates the
187 provisions of this subsection by disclosing protected information shall be guilty
188 of a class A misdemeanor.

189 9. Information regarding any holder of a certificate of qualification or a
190 concealed carry endorsement is a closed record.

191 10. For processing an application for a certificate of qualification for a
192 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff
193 in each county shall charge a nonrefundable fee not to exceed one hundred dollars

194 which shall be paid to the treasury of the county to the credit of the sheriff's
195 revolving fund.

196 11. For processing a renewal for a certificate of qualification for a
197 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff
198 in each county shall charge a nonrefundable fee not to exceed fifty dollars which
199 shall be paid to the treasury of the county to the credit of the sheriff's revolving
200 fund.

201 12. For the purposes of sections 571.101 to 571.121, the term "sheriff"
202 shall include the sheriff of any county or city not within a county or his or her
203 designee and in counties of the first classification the sheriff may designate the
204 chief of police of any city, town, or municipality within such county.

 571.107. 1. A concealed carry endorsement issued pursuant to sections
2 571.101 to 571.121, **an out-of-state concealed carry endorsement issued**
3 **pursuant to section 571.099**, or a concealed carry endorsement or permit
4 issued by another state, or political subdivision of another state, **to a resident**
5 **of another state** shall authorize the person in whose name the permit or
6 endorsement is issued to carry concealed firearms on or about his or her person
7 or vehicle throughout the state. No driver's license or nondriver's license
8 containing a concealed carry endorsement issued pursuant to sections 571.101 to
9 571.121, **an out-of-state concealed carry endorsement issued pursuant**
10 **to section 571.099**, or a concealed carry endorsement or permit issued by
11 another state or political subdivision of another state shall authorize any person
12 to carry concealed firearms into:

13 (1) Any police, sheriff, or highway patrol office or station without the
14 consent of the chief law enforcement officer in charge of that office or
15 station. Possession of a firearm in a vehicle on the premises of the office or
16 station shall not be a criminal offense so long as the firearm is not removed from
17 the vehicle or brandished while the vehicle is on the premises;

18 (2) Within twenty-five feet of any polling place on any election day.
19 Possession of a firearm in a vehicle on the premises of the polling place shall not
20 be a criminal offense so long as the firearm is not removed from the vehicle or
21 brandished while the vehicle is on the premises;

22 (3) The facility of any adult or juvenile detention or correctional
23 institution, prison or jail. Possession of a firearm in a vehicle on the premises of
24 any adult, juvenile detention, or correctional institution, prison or jail shall not
25 be a criminal offense so long as the firearm is not removed from the vehicle or

26 brandished while the vehicle is on the premises;

27 (4) Any courthouse solely occupied by the circuit, appellate or supreme
28 court, or any courtrooms, administrative offices, libraries or other rooms of any
29 such court whether or not such court solely occupies the building in
30 question. This subdivision shall also include, but not be limited to, any juvenile,
31 family, drug, or other court offices, any room or office wherein any of the courts
32 or offices listed in this subdivision are temporarily conducting any business
33 within the jurisdiction of such courts or offices, and such other locations in such
34 manner as may be specified by supreme court rule pursuant to subdivision (6) of
35 this subsection. Nothing in this subdivision shall preclude those persons listed
36 in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction
37 and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection
38 2 of section 571.030, or such other persons who serve in a law enforcement
39 capacity for a court as may be specified by supreme court rule pursuant to
40 subdivision (6) of this subsection from carrying a concealed firearm within any
41 of the areas described in this subdivision. Possession of a firearm in a vehicle on
42 the premises of any of the areas listed in this subdivision shall not be a criminal
43 offense so long as the firearm is not removed from the vehicle or brandished while
44 the vehicle is on the premises;

45 (5) Any meeting of the governing body of a unit of local government; or
46 any meeting of the general assembly or a committee of the general assembly,
47 except that nothing in this subdivision shall preclude a member of the body
48 holding a valid concealed carry endorsement from carrying a concealed firearm
49 at a meeting of the body which he or she is a member. Possession of a firearm
50 in a vehicle on the premises shall not be a criminal offense so long as the firearm
51 is not removed from the vehicle or brandished while the vehicle is on the
52 premises;

53 (6) The general assembly, supreme court, county or municipality may by
54 rule, administrative regulation, or ordinance prohibit or limit the carrying of
55 concealed firearms by endorsement holders in that portion of a building owned,
56 leased or controlled by that unit of government. Any portion of a building in
57 which the carrying of concealed firearms is prohibited or limited shall be clearly
58 identified by signs posted at the entrance to the restricted area. The statute, rule
59 or ordinance shall exempt any building used for public housing by private
60 persons, highways or rest areas, firing ranges, and private dwellings owned,
61 leased, or controlled by that unit of government from any restriction on the

62 carrying or possession of a firearm. The statute, rule or ordinance shall not
63 specify any criminal penalty for its violation but may specify that persons
64 violating the statute, rule or ordinance may be denied entrance to the building,
65 ordered to leave the building and if employees of the unit of government, be
66 subjected to disciplinary measures for violation of the provisions of the statute,
67 rule or ordinance. The provisions of this subdivision shall not apply to any other
68 unit of government;

69 (7) Any establishment licensed to dispense intoxicating liquor for
70 consumption on the premises, which portion is primarily devoted to that purpose,
71 without the consent of the owner or manager. The provisions of this subdivision
72 shall not apply to the licensee of said establishment. The provisions of this
73 subdivision shall not apply to any bona fide restaurant open to the general public
74 having dining facilities for not less than fifty persons and that receives at least
75 fifty-one percent of its gross annual income from the dining facilities by the sale
76 of food. This subdivision does not prohibit the possession of a firearm in a vehicle
77 on the premises of the establishment and shall not be a criminal offense so long
78 as the firearm is not removed from the vehicle or brandished while the vehicle is
79 on the premises. Nothing in this subdivision authorizes any individual who has
80 been issued a concealed carry endorsement to possess any firearm while
81 intoxicated;

82 (8) Any area of an airport to which access is controlled by the inspection
83 of persons and property. Possession of a firearm in a vehicle on the premises of
84 the airport shall not be a criminal offense so long as the firearm is not removed
85 from the vehicle or brandished while the vehicle is on the premises;

86 (9) Any place where the carrying of a firearm is prohibited by federal law;

87 (10) Any higher education institution or elementary or secondary school
88 facility without the consent of the governing body of the higher education
89 institution or a school official or the district school board. Possession of a firearm
90 in a vehicle on the premises of any higher education institution or elementary or
91 secondary school facility shall not be a criminal offense so long as the firearm is
92 not removed from the vehicle or brandished while the vehicle is on the premises;

93 (11) Any portion of a building used as a child-care facility without the
94 consent of the manager. Nothing in this subdivision shall prevent the operator
95 of a child-care facility in a family home from owning or possessing a firearm or
96 a driver's license or nondriver's license containing a concealed carry endorsement;

97 (12) Any riverboat gambling operation accessible by the public without the

98 consent of the owner or manager pursuant to rules promulgated by the gaming
99 commission. Possession of a firearm in a vehicle on the premises of a riverboat
100 gambling operation shall not be a criminal offense so long as the firearm is not
101 removed from the vehicle or brandished while the vehicle is on the premises;

102 (13) Any gated area of an amusement park. Possession of a firearm in a
103 vehicle on the premises of the amusement park shall not be a criminal offense so
104 long as the firearm is not removed from the vehicle or brandished while the
105 vehicle is on the premises;

106 (14) Any church or other place of religious worship without the consent
107 of the minister or person or persons representing the religious organization that
108 exercises control over the place of religious worship. Possession of a firearm in
109 a vehicle on the premises shall not be a criminal offense so long as the firearm
110 is not removed from the vehicle or brandished while the vehicle is on the
111 premises;

112 (15) Any private property whose owner has posted the premises as being
113 off-limits to concealed firearms by means of one or more signs displayed in a
114 conspicuous place of a minimum size of eleven inches by fourteen inches with the
115 writing thereon in letters of not less than one inch. The owner, business or
116 commercial lessee, manager of a private business enterprise, or any other
117 organization, entity, or person may prohibit persons holding a concealed carry
118 endorsement from carrying concealed firearms on the premises and may prohibit
119 employees, not authorized by the employer, holding a concealed carry
120 endorsement from carrying concealed firearms on the property of the employer.
121 If the building or the premises are open to the public, the employer of the
122 business enterprise shall post signs on or about the premises if carrying a
123 concealed firearm is prohibited. Possession of a firearm in a vehicle on the
124 premises shall not be a criminal offense so long as the firearm is not removed
125 from the vehicle or brandished while the vehicle is on the premises. An employer
126 may prohibit employees or other persons holding a concealed carry endorsement
127 from carrying a concealed firearm in vehicles owned by the employer;

128 (16) Any sports arena or stadium with a seating capacity of five thousand
129 or more. Possession of a firearm in a vehicle on the premises shall not be a
130 criminal offense so long as the firearm is not removed from the vehicle or
131 brandished while the vehicle is on the premises;

132 (17) Any hospital accessible by the public. Possession of a firearm in a
133 vehicle on the premises of a hospital shall not be a criminal offense so long as the

134 firearm is not removed from the vehicle or brandished while the vehicle is on the
135 premises.

136 2. Carrying of a concealed firearm in a location specified in subdivisions
137 (1) to (17) of subsection 1 of this section by any individual who holds a concealed
138 carry endorsement issued pursuant to sections 571.101 to 571.121 shall not be a
139 criminal act but may subject the person to denial to the premises or removal from
140 the premises. If such person refuses to leave the premises and a peace officer is
141 summoned, such person may be issued a citation for an amount not to exceed one
142 hundred dollars for the first offense. If a second citation for a similar violation
143 occurs within a six-month period, such person shall be fined an amount not to
144 exceed two hundred dollars and his or her endorsement to carry concealed
145 firearms shall be suspended for a period of one year. If a third citation for a
146 similar violation is issued within one year of the first citation, such person shall
147 be fined an amount not to exceed five hundred dollars and shall have his or her
148 concealed carry endorsement revoked and such person shall not be eligible for a
149 concealed carry endorsement for a period of three years. Upon conviction of
150 charges arising from a citation issued pursuant to this subsection, the court shall
151 notify the sheriff of the county which issued the certificate of qualification for a
152 concealed carry endorsement and the department of revenue. The sheriff shall
153 suspend or revoke the certificate of qualification for a concealed carry
154 endorsement and the department of revenue shall issue a notice of such
155 suspension or revocation of the concealed carry endorsement and take action to
156 remove the concealed carry endorsement from the individual's driving
157 record. The director of revenue shall notify the licensee that he or she must
158 apply for a new license pursuant to chapter 302 which does not contain such
159 endorsement. A concealed carry endorsement suspension pursuant to sections
160 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her
161 driver's license. The notice issued by the department of revenue shall be mailed
162 to the last known address shown on the individual's driving record. The notice
163 is deemed received three days after mailing.

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